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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : John B. Hoeflich, et al.
For : **HIGHER OVERALL FLEX GOLF
SHAFT**
Serial No. : 08/787,745
Filed : January 24, 1997 **FAX RECEIVED**
Examiner : S. Blau **APR 27 2000**
Group Art Unit : 3711 **GROUP 3700**
Attorney Docket No. : HDG 2 012-1
Cleveland, Ohio 44114-2518
April 27, 2000

RESPONSE

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

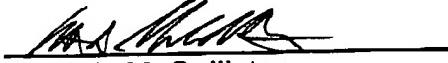
In response to our telephone interview of April 13, 2000, the following Declarations of Tom Olsavsky and John B. Hoeflich are submitted for consideration. The attached Declarations bolster Applicants' contention that the golf shaft disclosed in the present application, as amended, exhibits a more uniform bend profile in conjunction with a higher overall kick point than other known golf shafts. First, Applicant notes that the broad Akatsuka ranges for shaft dimensions do not anticipate the narrower and not fully encompassed ranges presently claimed. Furthermore, Akatsuka, via preferred ranges, teaches away from the present invention. Therefore, Applicants contend that there is no suggestion in the Akatsuka '450 reference to combine a smaller diameter butt end with a tip end of conventional or larger diameter in order to move the kick point of

the shaft higher. Finally, even if the Examiner maintains that obviousness is established, it is evidenced by the declaration that moving a kick point higher by a decrease in the butt diameter of a shaft is unexpected. This result, to which Akatsuka is completely silent, rebuts any established prima facie obviousness case. Applicants reaffirm that those of ordinary skill in the art adjust the grip diameter, rather than the shaft diameter, in order to accommodate players with hands of differing sizes.

Applicants invite the Examiner to discuss the Declarations with Scott McCollister at (216) 861-5582, if desired.

Respectfully submitted,

Fay, Sharpe, Fagan,
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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this paper in connection with U.S. Application Serial No. 08/787,745 is being transmitted by facsimile to the U.S. Patent & Trademark Office, Group Art Unit 3711 at Telephone No. (703) 308-7769 on April 27, 2000.

By:



Georgeen B. George